

DANIEL G. BOGDEN
United States Attorney
DANIEL J. COWHIG
Assistant United States Attorney
United States Attorney's Office
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336 / Fax: (702) 388-6020

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-000-

UNITED STATES OF AMERICA,) Case No.: 2:17-cr-00015-RFB
)
Plaintiff,) CRIMINAL INFORMATION
)
vs.)
)
DUSTIN W. HOLDEN,) VIOLATIONS:
) 18 U.S.C. §§ 1030(a)(4) and (c)(3)(A) –
) Accessing a Protected Computer to
) Defraud and Obtain Something of Value;
) Forfeiture Allegations
)
Defendant)

THE UNITED STATES ATTORNEY CHARGES THAT:

COUNT ONE

(Accessing Protected Computer to Defraud and Obtain Something of Value)

From in or about March 2014, to in or about June 2014, in the State and Federal District of Nevada and elsewhere.

DUSTIN W. HOLDEN.

defendant herein, knowingly and with intent to defraud accessed a protected computer without authorization and by means of such conduct furthered the intended fraud and obtained something of value, specifically, closed-loop gift cards, in violation of 18 U.S.C. §§ 1030(a)(4) and (c)(3)(A).

FORFEITURE ALLEGATION ONE

(Accessing Protected Computer to Defraud and Obtain Something of Value)

1. The allegations contained in Count One of this Criminal Information are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 1030(i)(1)(A).

2. Upon conviction of the felony offense charged in Count One of this Criminal Information,

DUSTIN W. HOLDEN,

defendant herein, shall forfeit to the United States of America, any personal property that was used or intended to be used to commit or to facilitate the commission of a violation of Title 18, United States Code, Section 1030(a)(4), or a conspiracy to violate such offense;

- a. eServer brand computer with 80 GB HDD, serial number 001CA2B;
- b. Network-Attached Storage (NAS) Device containing eight 4 TB HDDs; and
- c. SanDisk brand model SDCZ33 16 GB Thumbdrive, serial number BL131224569D.

All pursuant to Title 18, United States Code, Section 1030(i)(1)(A) and Title 18, United States Code, Section 1030(a)(4).

FORFEITURE ALLEGATION TWO

(Accessing Protected Computer to Defraud and Obtain Something of Value)

1. The allegations contained in Count One of this Criminal Information are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(B); and Title 18, United States Code, Section 1030(i)(1)(B).

2. Upon conviction of the felony offense charged in Count One of this Criminal Information,

DUSTIN W. HOLDEN,

defendant herein, shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Section 1030(a)(4), or a conspiracy to commit such offense, an in personam criminal forfeiture money judgment including, but not limited to, at least \$181,000, including:

defendant herein, shall forfeit to the United States of America, any property constituting, or derived from, proceeds obtained directly or indirectly, as the result of a violation of Title 18, United States Code, Section 1030(a)(4), or a conspiracy to violate such offense, an in personam criminal forfeiture money judgment including, but not limited to, at least \$181,000, including:

defendant herein, shall forfeit to the United States of America, any property, real or personal, constituting or derived from, any proceeds obtained, directly or indirectly, as a result of a violation of Title 18, United States Code, Section 1030(a)(4), or a conspiracy to violate such offense, an *in personam* criminal forfeiture money judgment including, but not limited to, at least \$181,000, including:

any and all funds contained in the Bitcoin and Dogecoin wallets or accounts, which are proceeds of the criminal activity described above (property).

3. If any property being subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(B); and Title 18, United States Code, Section 1030(i)(1)(B), as a result of any act or omission of the defendant -

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any properties of the defendant for the property listed above and the in personam criminal forfeiture money judgment including, but not limited to, at least \$181,000.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(B); Title 18, United States Code, Section 1030(i)(1)(B); Title 18, United States Code, Section 1030(a)(4); and Title 21, United States Code, Section 853(p).

DATED: January 13, 2017

DANIEL G. BOGDEN
United States Attorney

DANIEL J. COWHIG
Assistant United States Attorney